

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABRAHAM TAMATEY,)	
)	
Petitioner,)	
)	
v.)	
)	C.A. No. 05-11528-WGY
THOMAS M. HODGSON, Sheriff,)	
Bristol County,)	
)	
Respondent.)	

SERVICE ORDER

On July 14, 2005, petitioner Abraham Tamatey, an immigration detainee confined at the Bristol County House of Correction, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, naming Thomas M. Hodgson, Sheriff of Bristol County, and two Department of Homeland Security officials as respondents.¹ Tamatey also submitted an application for waiver of the filing fee. That application will be granted in a separate order.

ACCORDINGLY,

(1) The Clerk of this Court shall correct the caption of

¹In his petition, maintains that, under Zadvydas v. Davis, 533 U.S. 678 (2001), his detention is in violation of the Constitution because (1) more than six months have passed since the immigration judge's order that he be removed became final; and (2) removal of the petitioner to Ghana, his country of citizenship, is not reasonably foreseeable. Thus, Tamatey's petition is not subject to section 106(c) of the REAL ID Act of 2005, H.R.1268, 109th Cong. (2005), Pub. L. No. 109-13, Div. B, 119 Stat. 231, enacted on May 11, 2005, which explicitly provides that jurisdiction over challenges to removal orders rests exclusively with the United States Court of Appeals for the circuit in which the removal proceedings took place. See Sisay v. Gonzales, 2005 WL 1541085, at *1 (E.D. Ca. June 29, 2005); Morena v. Gonzales, 2005 WL 1367414, at *2 n.2 (M.D. Pa. June 6, 2005); Joint Explanatory Statement of the Committee of Conference, H.R. Conf. Rep. 109-72, 151 Cong. Rec. H2836, at H2873 (May 3, 2005), available at 2005 WL 1025891.

this action to reflect that Thomas M. Hodgson is the sole respondent to this action. See Rumsfeld v. Padilla, --U.S.--, 124 S. Ct. 2711, 2720 (2004); Vasquez v. Reno, 233 F.3d 688, 694 (1st Cir. 2000), cert. denied sub nom. Vasquez v. Ashcroft, 122 S. Ct. 43 (2001); see also Mass. Gen. Laws ch. 126, § 16 (sheriff "shall have custody and control of the jails in his county.... and shall be responsible for them").

(2) The Clerk shall serve a copy of this order and the petition by certified mail upon (i) Thomas M. Hodgson, Sheriff, Bristol County, 400 Faunce Corner Road, Dartmouth, Massachusetts 02747; (ii) the United States Attorney; and (iii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114;

(3) The Respondent shall file an answer or other responsive pleading within 28 days of receipt of the petition; and

(4) The Respondent shall provide the Court with at least 48 hours advance notice of any transfer or removal of petitioner outside of the District of Massachusetts.

SO ORDERED.

July 22, 2005
DATE

/s/ William G. Young
UNITED STATES DISTRICT JUDGE